

Message

---

**From:** Kazempoor, Kelly [kazempoor.kelly@epa.gov]  
**Sent:** 7/12/2019 7:01:30 PM  
**To:** OCSPP Daily Clips [OCSPP-Daily-Clips@epa.gov]  
**Subject:** Daily OCSPP News Clips 7/12/19

[Politico: House approves first batch of PFAS amendments](#)

[Politico: Blumenthal weighing hold against FAA nominee](#)

[San Francisco Chronicle: Trump escapes blame for ethanol policy hurting corn farmers](#)

[Bloomberg Environment: EPA Eliminates Some Restrictions on Bee-Killing Pesticide](#)

[Washington Post: EPA reverses ban on pesticide seen as threat to bees](#)

[Politico: EPA restores use of sulfoxaflor for variety of crops](#)

[Greenwire: EPA expands use of bee-killing chemical](#)

[Bloomberg Environment: House Defense Vote Sets Up Bicameral Faceoff Over PFAS, Climate](#)

[Politico: House passes defense bill with provisions on Chinese rail cars, drones and airport chemicals](#)

[The Hill: EPA expands use of pesticide considered 'very highly toxic' to bees](#)

### Politico

#### **House approves first batch of PFAS amendments**

<https://subscriber.politicopro.com/article/2019/07/house-approves-first-batch-of-pfas-amendments-3565312>

**BY ANNIE SNIDER**

The House approved a series of amendments to its defense authorization bill relating to toxic PFAS chemicals by a voice vote.

Among the amendments, which were considered as a group, is one from Rep. Dan Kildee (D-Mich.) that would require the Defense Department to publish a military specification for firefighting foam that does not include PFAS by 2023. The underlying bill's provision requiring a phase-out of the military's use of foam containing PFAS by 2025 was among the provisions called out in the White House's veto threat.

Also approved in the package were amendments that would bar the military from using food packaging for MREs containing the chemicals and require DOD to ensure that any incineration of materials containing PFAS is done in a way that eliminates the chemicals and doesn't send them into the air.

Two other, more controversial amendments relating to PFAS are also teed up for votes by the House, including one to designate all PFAS as hazardous under the Superfund law and one to require EPA to issue effluent limits for the chemicals.

### Politico

#### **Blumenthal weighing hold against FAA nominee**

<https://www.politico.com/newsletters/morning-transportation/2019/07/12/blumenthal-weighing-hold-against-faa-nominee-456527>

**By SAM MINTZ**

— Sen. Richard Blumenthal (D-Conn.) is considering placing a hold on FAA nominee Steve Dickson.

— TSA officials promised to step up the agency's cybersecurity efforts for surface transportation during the first meeting of a new committee.

— Airports are worried about the effects of an amendment under consideration in the House NDAA regarding PFAS, a chemical used in firefighting foam.

A message from Freight Rail Works:

Everything about freight rail is big — including its culture of safety. After all, when your 165,000-strong workforce is responsible for powering the economy, their well-being always comes first. Learn how technology transformed our industry into one of the country's safest.

HAPPY FRIDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. If you too managed to survive the great Twitter apocalypse of July 11, 2019, get in touch with tips, feedback and song lyric suggestions at [smintz@politico.com](mailto:smintz@politico.com) or @samjmintz.

"Sign said 40 miles to Canada / My truck tore across Montana / Ian Tyson sang a lonesome lullaby / And so I cranked up the radio."

LISTEN HERE: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) about roads, rails, rivers and runways?

#### AVIATION

THE LATEST ON DICKSON: Senate Commerce Chairman Roger Wicker (R-Miss.) told MT on Thursday that he's talked to Senate leadership about a full chamber vote on Dickson, who was approved by the committee Wednesday, but not about timing.

MT asked Wicker whether he thinks it would be realistic to expect approval before the August recess. "I think we need to get leadership in place," he said, walking into an elevator. We'll be following the nomination closely and will have updates for you along the way.

Wait for it: Blumenthal, who has been one of the most stringent opponents of Dickson, said he is "strongly considering" putting a hold on the nominee, which would signal to Democratic leaders that he thinks they should put a priority on opposing the eventual floor vote.

737 MAX REVIEW BOARD MEMBERS MEET WITH LAWMAKERS: House Transportation Committee members met on Thursday with members of a board studying software fixes for the grounded Boeing 737 MAX, our Brianna Gurciullo reported. More than 10 lawmakers from both parties met with three members of the Technical Advisory Board, who were representing the FAA, NASA and the Air Force, according to Rep. Rick Larsen (D-Wash.), the chairman of the committee's aviation subpanel.

Larsen called it an "informal discussion" to go over how the board is scrutinizing the FAA's efforts to return the grounded 737 MAX to the skies. He said he and full committee Chairman Peter DeFazio (D-Ore.) asked for a third-party review of any potential technical changes to the plane.

MAILBAG: Airports are worried about a Democratic amendment to the House's defense authorization bill that would require the EPA to designate PFAS — a chemical used in firefighting foam, among other uses — a hazardous substance. The American Association of Airport Executives said in a letter to Speaker Nancy Pelosi on Thursday that airports want to eventually switch to using alternative firefighting foams that don't have PFAS but are currently required by federal law to use PFAS-containing foam.

The group argues that the proposal could lead to costly litigation and cleanup efforts at airports. "At a minimum, we urge you to alter the amendment to specifically exempt airports from any liability under [the Comprehensive Environmental Response, Compensation, and Liability Act] for the costs of responding to or damages resulting from the use" of PFAS, AAAE wrote.

Make sure you read Morning Energy to get the latest on the PFAS debate, which has incensed lawmakers on both sides and was highlighted by the White House in a veto threat.

Advertisement Image

## SECURITY

**TSA VOWS SURFACE FOCUS:** Cybersecurity will be a major focus of TSA's new Surface Transportation Security Advisory Committee, our Stephanie Beasley reported for Pros on Thursday. After members of the committee pressed Administrator David Pekoske at its first meeting, he said the new group is a first step, and that the agency wants to eventually have its own cybersecurity experts and devote more resources to surface modes.

"Our concern is that surface is a small footprint within TSA compared to aviation," said Dave McCurdy, an advisory committee member and former head of the American Gas Association who said he's primarily concerned about pipeline infrastructure but also thinks cyber threats to surface transportation in general deserve more attention.

**SETTING RECORDS:** Sunday, July 7, was the busiest day in TSA history, with 2,795,014 travelers screened, Stephanie also writes. Per the story, "the agency has said it expects this to be its busiest summer ever, a prediction that has raised concerns among airlines and airports worried about the impacts of TSA employees being reassigned to help Customs and Border Protection at the southern border." TSA screened a total of 11.9 million passengers between July 3 and July 7.

**COLLABORATION ACROSS THE NORTHERN BORDER:** The U.S. and Canada have launched the third phase of an initiative that will allow them to track biographic data on travelers who are citizens of either country, Pro Canada's Lauren Gardner reported Thursday. Lauren writes that "the program permits border authorities to collect basic personal data on people crossing the shared land border and share information so a recorded entry in one nation creates an exit record in the other." CBP and Canadian authorities will also exchange travel documents and other crossing information. Previous phases have focused on third-country nationals and permanent legal residents.

Want to know what's REALLY happening on Capitol Hill? Get in the game by reading the Huddle, POLITICO's fun and essential play-by-play guide to Congress. Melanie Zanona pulls back the curtain and takes you inside the backrooms on Capitol Hill to keep you apprised of the latest from both the upper and lower chambers. Sign up today.

## AUTOMOBILES

**OUT OF CONTROL(S) IN VEGAS:** The inaccessibility of manual controls was a contributing cause in the 2017 collision between a Keolis autonomous shuttle on its first day of service and a truck backing into an alley in Las Vegas, according to an NTSB report released Thursday. The shuttle had no steering wheel or pedals, and its handheld controller that could engage the horn and other limited functions was stored in an enclosed space at one end of the passenger compartment. The attendant did not have time to access it at the time of the collision, which was caused primarily by the truck driver's failure to stop. The autonomous shuttle's sensors detected the truck and slowed down to a full stop accordingly. Keolis company policy now states that attendants need to have the controller for the duration of a trip.

Why they did it: NTSB typically wouldn't investigate a minor collision, but having a highly automated vehicle involved changed that decision-making. "We wanted to examine the process of introducing an autonomous shuttle onto public roads as well as the role of the operator, the vehicle manufacturer, and the city," said Kris Poland, deputy director of the NTSB's Office of Highway Safety.

A message from Freight Rail Works:

When it comes to accidents, only one number is acceptable to freight rail: zero. That's why our industry invests billions every year in training, operational and technological advancements that improve safety for the public and our workforce. From daily safety briefings to positive train control, state-of-the-art training programs to advanced track-side smart sensors, our culture of safety infuses every aspect of operations across the 140,000-mile network. The result? Employee injury rates have decreased 48% since 2000. Learn more about the steps we're taking every day to improve worker safety and productivity.

## LOBBY WATCH

TESLA'S D.C. PRESENCE: Some interesting lobbying news you may have missed in POLITICO Influence this week: Tesla has hired a new firm, Fulcrum Public Affairs, to lobby on the Driving America Forward Act, legislation that would expand the electric vehicle tax credit. As Theodor Meyer notes in PI, the EV manufacturer "recently parted ways with Mehlman Castagnetti Rosen & Thomas less than three months after hiring the firm to lobby on the same legislation."

Other lobbying disclosures of note: Canadian jet manufacturer Bombardier signed up Tonio Burgos & Associates Inc. to lobby on "issues relating to federal transportation funding." The National Railroad Construction and Maintenance Association is working with Matt Ginsberg at TGA Associate Management Solutions on legislation and regulations affecting rail contractors and supply industry. And the Commuter Rail Coalition signed up longtime transpo lobbyist and former DOT official John Cline to lobby on appropriations.

#### **San Francisco Chronicle**

#### **Trump escapes blame for ethanol policy hurting corn farmers**

<https://www.sfchronicle.com/news/article/Trump-escapes-blame-for-ethanol-policy-hurting-14091151.php?psid=cg0Du>

**By DAVID PITT, Associated Press**

DES MOINES, Iowa (AP) — Midwest farmers and their Republican elected officials rarely miss a chance to shower President Donald Trump with praise when he takes actions they believe help agriculture, but they're now parsing their words over the administration's policies dealing with ethanol.

While they have offered their effusive thanks to Trump for his support for the Environmental Protection Agency to allow year-round sales of E15, a higher blend of ethanol, they have criticized that same agency but not the president over an EPA recommendation last week that could limit growth of the biofuels industry.

Tom Vilsack, a former U.S. agriculture secretary and Iowa governor, said the mixed policies have caused confusion.

Unlimited Digital Access for 95¢

Read more articles like this by subscribing to the San Francisco Chronicle

SUBSCRIBE

"What we need is a clear indication from the Trump administration consistent with the president's promises that it is in support of the ethanol industry and biofuels industry," said Vilsack, a Democrat. "You're either with the industry or you're not."

It's hard to overstate the importance in the Midwest of the ethanol industry, which consumes roughly 40% of the nation's corn crop. Corn production has nearly doubled in the past 30 years, and without an ever-larger ethanol market farmers fear demand for the grain could plunge.

With that in mind, Trump has repeatedly told farmers he supported the ethanol industry, and in his push to have the EPA allow more sales of the higher ethanol blend, he's kept his promise. But it's been a different story when it comes to another EPA recommendation.

Last week, the EPA released its annual rule for the level of ethanol that must be blended into the nation's gasoline supply. The 15 billion gallon (56.78 billion liter) target for corn-based ethanol disappointed the industry because many expected the EPA to expand the requirement to offset exemptions given to many fuel refineries that have reduced demand by an estimated 2.6 billion gallons (9.84 billion liters) since Trump took office.

SUBSCRIBER BENEFIT

Did you know you have 10% off at San Francisco Wine School?

The EPA also ignored a 2017 order from a federal appeals court to restore 500 million gallons (1892.65 million liters) exempted by the EPA from 2016.

For this rule, Republicans chided EPA administrator Andrew Wheeler but not Trump, who appointed the former coal industry lobbyist to head the agency.

Nebraska Gov. Pete Ricketts, for example, didn't blame Trump but instead stated, "I urge Administrator Wheeler to reallocate waived gallons and ensure that the agency is giving our farmers and ethanol producers the predictability they need, especially during tough times for agriculture."

U.S. Representative Cindy Axne, a Democrat whose southwest Iowa district includes thousands of farmers and six ethanol refineries, said Trump isn't taking responsibility for policies that hurt farmers already reeling from trade disputes.

"I think that this administration definitely has an ability to hold the president away from the decisions that the EPA is making and not show them as part of the administration's decision," she said. "It is the administration's decision to allow one of its departments to create policy that does this."

Perhaps the most direct criticism of Trump by a Republican has been by U.S. Sen. Charles Grassley of Iowa, who said some farmers think the EPA is breaking the president's commitments to farmers to uphold the ethanol laws.

"I urge President Trump to compel EPA to reverse course and keep his word to the forgotten Americans who have faithfully stood with him," Grassley said.

Asked whether the president was ultimately accountable, Grassley referenced a phrase displayed on the desk of President Harry Truman.

"I can't help but answer yes to your question because Truman made it very clear the buck stops here," he said.

Harold Wolle, a farmer near St. James in southern Minnesota, said people are disappointed the EPA is letting some refineries reduce their ethanol use.

"The news that I'm reading and hearing is that the president is pushing the EPA to change how it grants these waivers but the proof will be in the pudding. We'll see," said Wolle, a member of the National Corn Growers Association board.

Northwest Iowa farmer Kelly Nieuwenhuis said blame is focusing on the EPA but farmers realize Trump appointed former administrator Scott Pruitt and then named Wheeler.

"There's always politics involved and that's the frustrating part," he said. "It seems definitely that the oil industry has some control over the EPA in our view. It comes down to money, campaign contributions basically."

Nieuwenhuis, 60, who farms 2,100 acres with two brothers growing corn and soybeans, said the EPA doesn't seem to answer to anyone.

The EPA has argued in court that the Clean Air Act gives the agency substantial discretion to decide small refinery exemptions.

Iowa Gov. Kim Reynolds, a Republican, said she's talked with Trump, Wheeler and Agriculture Secretary Sonny Perdue recently about the refinery waivers and the renewable fuel standard, which sets the ethanol limits. She said they understand the concerns of Iowa, the nation's largest ethanol producer and biggest corn grower. She blames the EPA, not Trump.

"I urge EPA Secretary Wheeler to reverse course and uphold President Trump's commitment to rural America by strengthening the RFS and putting an end to the abusive practice of granting waivers to profitable oil refineries," Reynolds said.

Release of the draft rule last week begins a public comment process during which the pressure is sure to increase on the administration to revise the final rule with higher ethanol targets for 2020.

### **Bloomberg Environment**

#### **EPA Eliminates Some Restrictions on Bee-Killing Pesticide**

<https://news.bloombergenvironment.com/environment-and-energy/epa-eliminates-restrictions-on-bee-killing-pesticide>

**Adam Allington**

Sulfoxaflor was restricted for use in 2015 because of threats to bees

EPA says new science proves it is safe

The EPA is eliminating crop restrictions on a pesticide known for its high toxicity to bees, the agency announced July 12.

The Environmental Protection Agency is approving the use of sulfoxaflor on alfalfa, corn, cacao, grains such as millet and oats, pineapple, sorghum, teff, teosinte, tree plantations, citrus, cotton, cucurbits such as squash, cucumbers, watermelons, some gourds, soybeans, and strawberries.

Sulfoxaflor is produced by Corteva Agriscience (previously DowDuPont) and sold under the brand names Transform and Closer.

"We are thrilled to announce that EPA is adding new uses for sulfoxaflor," said Alexandra Dapolito Dunn, assistant administrator for chemical safety and pollution prevention. "Our action is supported by substantial data on human health and environmental impacts, including many new studies about bees."

The move will help growers who are struggling to control a variety of insect pests, Dunn said.

'Height of Irresponsibility'

The move was met with a rebuke from environmental and food safety groups, who said the chemical's negative impact on bees and pollinators is well documented.

"Proposing to register sulfoxaflor for use of bee-attractive crops, in the midst of an ongoing pollinator crisis, is the height of irresponsibility," said Drew Toher, community resource and policy director for Beyond Pesticides.

"When all of the available data points to significant risks to pollinators from use of this chemical we must face the facts: EPA is working towards the protection of pesticide industry, not the environment," he said.

EPA had previously restricted use of sulfoxaflor for use on crops to which bees are not attracted. In June, the agency approved emergency exemptions for the use of sulfoxaflor in 12 states to control tarnished plant bugs on cotton and to control sugarcane aphids on sorghum in 14 states.

Those exemptions will no longer be necessary going forward.

### **Washington Post**

#### **EPA reverses ban on pesticide seen as threat to bees**

[https://www.washingtonpost.com/politics/federal-government/epa-reverses-ban-on-pesticide-seen-as-threat-to-bees/2019/07/12/0ed5614e-a4c8-11e9-a767-d7ab84aef3e9\\_story.html?utm\\_term=.25ca78bdfd02](https://www.washingtonpost.com/politics/federal-government/epa-reverses-ban-on-pesticide-seen-as-threat-to-bees/2019/07/12/0ed5614e-a4c8-11e9-a767-d7ab84aef3e9_story.html?utm_term=.25ca78bdfd02)

**By Ellen Knickmeyer**

WASHINGTON — The Trump administration is allowing a once-prohibited farm pesticide back on the market over objections from beekeepers.

The Environmental Protection Agency said Friday it would again allow wide use of Dow AgroSciences' sulfoxaflor. Beekeepers say the pesticide is a threat to pollinators and other beneficial bugs and successfully sued to have it taken off the market. A federal appeals court ruled in 2015 that not enough was known about the pesticide's effect on bees.

EPA assistant administrator Alexandra Dunn says new industry studies that haven't been made public show a low level of risk to bees and other wildlife.

Program director Michele Colopy of the Pollinator Stewardship Council says the pesticide is wiping out beneficial bugs. The council represents beekeepers and was among those that sued to have it banned.

Copyright 2019 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

## **Politico**

### **EPA restores use of sulfoxaflor for variety of crops**

<https://subscriber.politicopro.com/article/2019/07/epa-restores-use-of-sulfoxaflor-for-variety-of-crops-1589786>

**BY LIZ CRAMPTON**

The EPA today approved expanded use of the insecticide sulfoxaflor on a variety of crops, including cotton and sorghum.

Sulfoxaflor, which was initially developed by Dow, has been shown to be harmful to bees. It was pulled from the market in 2015 after the U.S. Court of Appeals for the 9th Circuit said the agency failed to appropriately assess the pesticide's risk to pollinators.

EPA then revised its application guidelines in 2016 and prohibited the insecticide's use on crops that are attractive to bees and during bloom, when pollinators might be present. Crops such as corn, cotton and soybeans, however, were not included in the registration at the time. Growers rely on the insecticide to fight stubborn pests like aphids and mealybugs.

EPA said today it has conducted an "extensive risk analysis" and approves its use on a range of crops that were previously limited. After reviewing new additional research, the agency determined that when sulfoxaflor is used according to label directions, the insecticide poses no significant risk to human health and a "significantly" lower risk to wildlife such as bees, birds, mammals and fish, when compared to widely used registered alternatives, an EPA official said. Sulfoxaflor is considered to be less harmful to bees than neonicotinoids.

"EPA is providing long-term certainty for U.S. growers to use an important tool to protect crops and avoid potentially significant economic losses, while maintaining strong protection for pollinators," said Alexandra Dapolito Dunn, assistant administrator for EPA's Office of Chemical Safety and Pollution Prevention, in a statement. "Today's decision shows the agency's commitment to making decisions that are based on a sound science."

The agency approved the insecticide for new uses on alfalfa, corn, cacao, grains, pineapple, sorghum, teff, teosinte and tree plantations. Crops such as citrus, cotton, cucurbits, soybeans, and strawberries were added back to the list.

Under the new registration, product labels will include crop-specific restrictions and pollinator protection language, the official said. For example, no applications of the insecticide can be applied to certain fruits, tree nuts, climbing vines and low-growing berries and trees during bloom. For citrus, only one application is permitted three days before bloom.

EPA also implemented spray drift restrictions intended to reduce off-target movement of sulfoxaflor related to the type of nozzle used in applications as well as wind speed and height application requirements.

The announcement means that EPA will no longer need to grant emergency exemptions to growers, the official said. EPA used its authority under Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act to allow application of sulfoxaflor on crops that were previously excluded, most commonly cotton and sorghum.

In 2019 alone, the agency approved 12 emergency exemptions to states for the use of sulfoxaflor on cotton, and 14 exemptions were used on sorghum, according to the EPA official.

Environmental groups immediately condemned EPA's decision, warning of its impact to pollinators, and indicated that a lawsuit may be forthcoming.

"The Trump EPA's reckless approval of this bee-killing pesticide across 200 million U.S. acres of crops like strawberries and watermelon without any public process is a terrible blow to imperiled pollinators," said Lori Ann Burd, director of the Center for Biological Diversity's environmental health program, in a statement. "With no opportunity for independent oversight or review, this autocratic administration's appalling decision to bow to industry and grant broad approval for this highly toxic insecticide leaves us with no choice but to take legal action."

#### **Greenwire**

#### **EPA expands use of bee-killing chemical**

<https://www.eenews.net/greenwire/stories/1060730419/search?keyword=EPA>

**Marc Heller and Ariana Figueroa**

EPA said today it's expanding the allowed uses of a pesticide that was briefly banned in 2015 due to the danger it posed to bees.

Environmentalists decried the news as a "bow to industry."

The agency is giving long-term approval to sulfoxaflor, an alternative to a class of pesticides called neonicotinoids that have also become embroiled in debate over threats to pollinators.

"We are very pleased to take this action because it will help growers all over America," said Alex Dunn, EPA's assistant administrator for the Office of Chemical Safety and Pollution Prevention, in a conference call with reporters.

Today's decision means sulfoxaflor can be regularly applied to crops for which it hasn't been approved, such as cotton and sorghum. The approval also includes uses on major crops such as corn, alfalfa, soybeans and citrus, among other plants.

The agency said sulfoxaflor, made by Dow AgroSciences LLC, is an important and highly effective tool against insects such as sugarcane aphids and tarnished plant bugs, and that farmers have few alternative treatments against such pests.

Officials said the renewed registration takes into account the need to protect pollinators — including through revised language on the packaging labels and restrictions on use during flowering — and is based on scientific data the agency has collected over the past several years. Use of sulfoxaflor was stopped, except in emergency situations, after a federal court ordered its registration revoked in 2015 in response to a lawsuit from beekeepers.

A year later, EPA approved a scaled-back registration that restricted sulfoxaflor's use and didn't allow it on cotton or sorghum. But officials have frequently allowed its use on an emergency basis on cotton and sorghum, sparking objections from groups such as the Center for Biological Diversity, which opposes the use of many pesticides.

Those crops are often visited by bees, according to the CBD, which said the chemical could be spread on as many as 200 million acres.

EPA based the new registration mostly on industry-sponsored studies, Dunn said, adding that most of those studies are performed with independent contract labs.



Earlier this year, the CBD reported that EPA in 2018 approved sulfoxaflor for emergency use on more than 16 million acres of crops in 2018. Of the 18 states for which emergency uses were approved on cotton and sorghum, 12 received approvals in each of the four consecutive years.

The emergency uses amount to a backdoor method of approving a pesticide that couldn't pass muster through normal channels, the CBD said.

In a statement today, the CBD called the announcement a "terrible blow to imperiled pollinators" and said it would fight the decision in court.

"With no opportunity for independent oversight or review, this autocratic administration's appalling decision to bow to industry and grant broad approval for this highly toxic insecticide leaves us with no choice but to take legal action."

In allowing more emergency uses in June, EPA said the risk from insects justifies the chemical's use.

"EPA determined that the devastating spread of the pests and potential economic loss to the growers met the criteria for an emergency exemption," the agency said then, adding that in the past, the pesticide has been used on fewer acres than the states' applications have requested.

"The tarnished plant bug and sugarcane aphid are massive threats to cotton and sorghum crops, respectively. There are few viable options for controlling these problems, and pests have developed resistance to some of the former alternatives," EPA said.

In a news release today, EPA said sulfoxaflor doesn't need to be applied as regularly as other chemicals, which are effective only when used repeatedly or in a tank mix, which may pose greater risks to wildlife.

## **Bloomberg Environment**

### **House Defense Vote Sets Up Bicameral Faceoff Over PFAS, Climate**

<https://news.bloombergenvironment.com/environment-and-energy/house-defense-vote-sets-up-bicameral-faceoff-over-pfas-climate>

**David Schultz**

Annual defense spending bill passes House with PFAS, climate change measures attached

Measures could be stripped in decisive conference committee with Senate

A decisive clash between the House and the Senate over chemical and climate issues is on the horizon, as both chambers have now passed their versions of an annual defense spending bill.

The House passed its version of the bill (H.R. 2500) July 12 on a 220-197 vote, largely along party lines.

Although primarily aimed at reauthorizing defense programs, it also includes provisions that would significantly alter how the Defense Department addresses nonstick chemical contamination and would also require the Pentagon to better account for the ways climate change is affecting military operations.

The Senate already passed its own version of the bill (S. 1790) last month, on a bipartisan 86-8 vote.

That bill also contains environmental measures, including a mandate for the EPA to enact the first nationwide standards for chemicals called per- and polyfluoroalkyl substances, or PFAS.

These chemicals are potentially toxic and have contaminated groundwater supplies on and near military bases, where they have been used in firefighting foam.

Amendments Adopted

The House bill includes an amendment that would force the EPA to add PFAS chemicals to its list of toxic pollutants under the Clean Water Act. This means factories, wastewater treatment plants, and other businesses would have to remove these chemicals from their effluent.

This amendment was adopted despite objections from the water utility industry.

The House adopted another amendment that would require the Pentagon to assume that sea levels will be rising in the future when it assesses flooding risks. Both of these amendments were adopted by voice votes.

The two bills now head to a conference committee, where lawmakers from both chambers will gather to hammer out a compromise that both the House and the Senate can accept. Any or all of the environmental measures in the two bills could be omitted from the final version that heads to the president's desk.

Rep. Doug Lamborn (R-Colo.), the top Republican on the House Armed Services subcommittee that handles environmental cleanup, said a bicameral compromise may ultimately water down the legislation, but he said there will definitely be some type of PFAS language in the final bill.

"I think there's a lot of consensus in both the House and the Senate" on that, he told Bloomberg Environment. "But some of the directives to EPA may have trouble sticking. You can't force an agency to rush things too much or they may not use good science and good research."

Rep. Joe Courtney (D-Conn.), the chairman of another House Armed Services subcommittee, said the conference committee likely won't complete its work until after Labor Day and possibly even closer to late October.

#### White House Threats

President Donald Trump has already threatened to veto the House defense bill, and specifically called out two PFAS provisions in his veto threat.

One would force the Pentagon to stop using firefighting foam with PFAS chemicals and to develop a non-PFAS alternative, and another would force it to provide clean water to farmers in areas with contamination problems.

The White House said it wasn't confident it could develop a non-PFAS alternative within the bill's deadline.

It also said the provision requiring the Pentagon to give farmers clean water "singles out" the Department of Defense, when in actuality there are others also responsible for PFAS pollution.

#### Politico

##### **House passes defense bill with provisions on Chinese rail cars, drones and airport chemicals**

<https://subscriber.politicopro.com/article/2019/07/house-passes-defense-bill-with-provisions-on-chinese-rail-cars-drones-and-airport-chemicals-3546525>

**BY STEPHANIE BEASLEY**

The House today passed a defense reauthorization, H.R. 2500 (116), that would bar federal spending on Chinese-made drones and rail cars due to lawmaker concerns about cyber threats. It also included an amendment that would re-designate a chemical in foam that airports use to fight fires as hazardous.

The bill passed on a vote of 220-197 and includes a provision that would block transit agencies from using federal money to purchase rail cars from companies based in a "non-market economy country." The legislation reflects worries among lawmakers that rail cars manufactured by China Railway Rolling Stock Corp. and sold in the U.S. could be used for espionage and cyber attacks.

Also included was language barring the DoD from buying foreign-made drones, which have come under scrutiny on the Hill. DHS recently issued an alert warning that Chinese-manufactured drones might be used to steal U.S. data. However,

the Interior Department this month approved Chinese dronemaker DJI's "Government Edition" software, which was designed with additional safeguards for federal use.

And, despite airport industry opposition, lawmakers passed the bill with a Democratic amendment that would require the EPA to designate PFAS — a chemical used in firefighting foam — a hazardous substance. Federal law currently requires airports to use foam with PFAS.

### **The Hill**

#### **EPA expands use of pesticide considered 'very highly toxic' to bees**

<https://thehill.com/policy/energy-environment/452827-epa-expanding-use-of-chemical-considered-toxic-for-bees>

**BY REBECCA BEITSCH**

The Environmental Protection Agency (EPA) announced Friday it would allow for the expanded use of a pesticide it considers toxic to bees, a move that comes just days after the Trump administration said it was suspending data collection on bee populations.

The pesticide known as sulfoxaflor will be permitted for use on certain crops for the first time, and in other areas that were prohibited under the Obama administration.

The agency considers sulfoxaflor “very highly toxic” to bees.

In a call with reporters to announce the decision, a top EPA official emphasized the agency’s research on the pesticide’s effects on bees and said the rule was designed with pollinators in mind.

“To reduce exposure to bees, the product label will have crop-specific restrictions and important pollinator protection language,” including limits on how close to bloom sulfoxaflor can be sprayed, the official said.

But it may be difficult to monitor whether the regulations spare bees as intended. The U.S. Department of Agriculture announced last week it was suspending one of the few remaining government data sets that monitor bee populations and loss.

The EPA did not respond to additional questions from The Hill about how it would monitor the impacts of its new guidelines for the pesticide.

Sulfoxaflor's use has long been contentious. It was temporarily barred after a lawsuit from beekeepers in 2015, and the EPA in 2016 changed its instructions for how to use the pesticide in a way designed to reduce the impact on bees.

“At a time when honeybees and other pollinators are dying in greater numbers than ever before, Trump’s EPA decision to remove restrictions on yet another bee-killing pesticide is nothing short of reckless,” Earthjustice, which fought sulfoxaflor use in the 2015 suit, said in a statement Friday. “Scientists have long said pesticides like sulfoxaflor are the cause of the unprecedented colony collapse. Letting sulfoxaflor back on the market is dangerous for our food system, economy, and environment.”

EPA said it was spurred to reconsider uses of sulfoxaflor following numerous emergency requests from states -- many of which the agency granted -- to allow the use of the pesticide on certain crops. It contends sulfoxaflor is safer than the alternatives.

When pressed for more information on the studies that showed the new regulations would be safer for bees, the EPA official said, “most of the studies that we used were indeed sponsored by industry. That is common practice in the pesticide program.”

The official noted that companies are required to contract with outside labs and share their data with the EPA.

Companies are expected to cover the costs associated with their applications for approval of a pesticide.

Farmers will once again be able to use sulfoxaflor on citrus, cotton and types of squash, and the pesticide can now be used on alfalfa, corn, cocoa, grains, and pineapple, among others, for the first time.

In some cases, farmers will not be able to spray sulfoxaflor within three days of bloom, but bee activists say the pesticide can remain in the soil and harm bees.

Bees are key in the production of almost a third of U.S. crops, spurring a commercial bee industry that brings colonies from field to field to pollinate farmers' fields.

The expanded use of sulfoxaflor is likely to spur legal action.

"The Trump EPA's reckless approval of this bee-killing pesticide across 200 million U.S. acres of crops like strawberries and watermelon without any public process is a terrible blow to imperiled pollinators," Lori Ann Burd, director of the Center for Biological Diversity's environmental health program said in a statement to The Hill.

"With no opportunity for independent oversight or review, this autocratic administration's appalling decision to bow to industry and grant broad approval for this highly toxic insecticide leaves us with no choice but to take legal action," she added.

The EPA said the economic plight of farmers was a factor in its decision. The agency said growers could see net revenue losses of up to 50 percent if they aren't able to use the pesticide.

Burd said pesticides like sulfoxaflor are dangerous to bees because they attack the nervous system, causing bees to get confused and diminishing their appetite.

"They don't respond as well to predators ... cognitive loss is causing them to die as they get lost in the field," she told The Hill earlier this week.